

Amendment No. 1 to HB0873

Lamberth  
Signature of Sponsor

**AMEND Senate Bill No. 800**

**House Bill No. 873\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following new subsection:

(k)

(1) Notwithstanding subsection (g), effective July 1, 2017, for purposes of this subsection (k), an "eligible petitioner" means a person who was convicted of no more than two (2) offenses and:

(A) Each of the offenses for which the petitioner seeks expunction are offenses that are eligible for expunction under subsection (g);

(B) The offenses were:

(i) Two (2) misdemeanors; or

(ii) One (1) felony and one (1) misdemeanor;

(C)

(i) At the time of the filing of the petition for expunction at least five (5) years have elapsed since the completion of the sentence imposed for the most recent offense; and

(ii) If one (1) of the offenses was drug fraud pursuant to § 53-11-402(a)(3), at the time of the filing of the petition for expunction at least ten (10) years have elapsed since the completion of the sentence imposed for that offense; and

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(D) The person has fulfilled all the requirements of the sentences imposed by the court for each offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for each offense;

(ii) Completion of any term of imprisonment or probation for each offense;

(iii) Meeting all conditions of supervised or unsupervised release for each offense; and

(iv) Remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year, if so required by the conditions of any of the sentences imposed.

(2) A person may petition for expunction of two (2) offenses under this subsection (k) only one (1) time.

(3) The expunction fee under this subsection (k) shall be the same amount as a single expunction under subsection (g).

(4) Subdivisions (g)(3)-(6), (8), (10), (15), and (16) shall apply to a petition filed under this subsection (k).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.